

House Resolution 47 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Lindsey of the 54th, Tumlin of the 38th, Teilhet of the 40th, Benfield of the 85th, Mumford of the 95th, and others

A RESOLUTION

- 1 Creating the House Study Committee on Judicial Election Reform; and for other purposes.
- 2 WHEREAS, the rule of law is fundamental to our concept of legitimate government; and
- 3 WHEREAS, the linchpin of the rule of law in our society is a judiciary that above all both
- 4 appears to be and is truly independent and impartial; and
- 5 WHEREAS, the popular election of judges makes the judiciary answerable to the people they
- 6 serve and independent from the other branches of government; and
- 7 WHEREAS, judicial election campaigns in our state are financed by private sources either
- 8 directly to the candidates, through political parties, or independent committees; and
- 9 WHEREAS, expenditures on judicial campaigns for over a decade have been escalating
- 10 dramatically, thereby increasing the dependence of judicial candidates on such contributions
- 11 to gain or maintain judicial office; and
- 12 WHEREAS, political parties have become increasingly involved in nonpartisan judicial
- 13 campaigns; and
- 14 WHEREAS, independent committees, often with large and anonymous contributors, have
- 15 become perceptibly more involved in judicial campaigns; and
- 16 WHEREAS, litigants and their attorneys with cases before the courts have with more
- 17 frequency been directly solicited for campaign contributions by judicial candidates which
- 18 brings into question the perceived or actual impartiality of the judiciary and fosters a
- 19 widespread public perception of improper influence on decision making; and

1 WHEREAS, the level of political parties, independent committees, lawyers, and litigants'
2 involvement in judicial races is the source of sharp policy disagreement as to their positive
3 or negative effect on an independent and fair judiciary.

4 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
5 there is created the House Study Committee on Judicial Election Reform to be composed of
6 five members of the House of Representatives to be appointed by the Speaker of the House
7 of Representatives. The Speaker of the House of Representatives shall designate a member
8 of the committee who shall serve as chairperson. The chairperson shall call all meetings of
9 the committee.

10 BE IT FURTHER RESOLVED that the charge to the House Study Committee on Judicial
11 Election Reform shall be to undertake a thorough study, assessment, and evaluation of the
12 conduct of judicial campaigns in Georgia to determine if the independence and impartiality
13 of the courts are threatened by the conduct of recent campaigns. The study committee is
14 further specifically charged to examine the role of political parties in judicial elections, the
15 role of special interest groups and tax-exempt organizations such as political organizations
16 as defined in Section 527(e) of the Internal Revenue Code of 1986 in judicial elections, and
17 how conflicts of interest due to campaign contributions are handled by the courts. The study
18 committee is further charged with making recommendations as to any reforms needed in the
19 election of judges in Georgia.

20 BE IT FURTHER RESOLVED that advising, attached, and suborned to the House Study
21 Committee on Judicial Election Reform shall be an Advisory Board to the House Study
22 Committee that shall be composed of 17 members as follows: the president or the president's
23 designee of the State Bar of Georgia; the Chief Justice of the Georgia Supreme Court or the
24 Chief Justice's designee; the Chief Judge of the Court of Appeals or the Chief Judge's
25 designee; the presidents or the presidents' designees of the Council of Superior Court Judges
26 and Council of State Court Judges; the presidents or the presidents' designees of the Georgia
27 Trial Lawyers Association, the Georgia Defense Lawyers Association, the Georgia Alliance
28 of African American Attorneys, the Georgia Association of Criminal Defense Lawyers, and
29 the chairperson of the Prosecuting Attorneys' Council of Georgia; the president of the
30 Georgia Chamber of Commerce or the president's designee; the president or the president's
31 designee of the Medical Association of Georgia; the president or the president's designee of
32 the Independent Insurance Agents of Georgia, Inc.; the Secretary of State or the Secretary
33 of State's designee; and three appointees of the Governor who are not to be active members
34 of the State Bar of Georgia. The Advisory Board of the House Study Committee on Judicial

1 Election Reform shall provide to the committee expert and lay advice from members of the
2 academy, bench, bar, and public who bear expertise critical to the work of the committee or
3 who will be directly affected by any alteration of the existing mode of campaign finance.

4 BE IT FURTHER RESOLVED that the committee shall undertake a comprehensive study
5 of the conditions, needs, issues, and problems mentioned above or related thereto and
6 recommend any action or legislation which the committee deems necessary or appropriate.
7 The committee may conduct such meetings at such places and at such times as it may deem
8 necessary or convenient to enable it to exercise fully and effectively its powers, perform its
9 duties, and accomplish the objectives and purposes of this resolution. The House Study
10 Committee on Judicial Election Reform shall make a publicly available report of its findings
11 and recommendations, with suggestions for proposed legislation, if any, and the report shall
12 be made on or before the convening of the 2009 session of the General Assembly, at which
13 time the committee shall stand abolished.